

REMARKS/ARGUMENTS

Claims 1-20 remain pending in the present application. Claims 7-9, 16 and 18-20 were withdrawn from consideration as being non-elected in response to an earlier restriction requirement. Upon allowance of the remaining elected claims, applicant intends to cancel the non-elected claims unless a basis for reconsideration of the restriction requirement exists.

Claim 1 has been amended to incorporate the limitation of canceled claim 2, namely, to define the knife holder in the applicant's claimed knife blade assembly as being formed of an elastomeric material having sufficient resiliency to accommodate radial force imposed upon said knife blade. Dependent claims 3-6 have been amended to change their dependencies from canceled claim 2 to claim 1. Claim 17, which is the only other independent claim pending in the present application, already defines the knife blade holder as being formed of such an elastomeric material.

Objection to the Drawings

In the January 30, 2006 Office Action, the drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because the drawings as originally filed did not include the reference numerals 19 and 20 mentioned in the written description. The drawings were also objected to under 37 C.F.R. §1.83(a) in that the fastener and receptacles recited in claim 17 were not shown in the drawings.

Figures 1 and 2 have been amended in the accompanying replacement sheets to include reference numerals 19 and 20, which correspond to the knife blade holders and knife blades mounted on the knife roller. Support for this drawing amendment can be found in paragraph 0023 of the present specification:

“As shown in Figure 1 and more specifically Figure 2, all of the knife units 18 are substantially identical. These knife blade units 18 are made up of *at least one knife blade holder 20 and one or more knife blade 19.*”

Figure 3 has also been amended to include numerals 19 and 20. Support for this drawing amendment can be found in paragraph 0026 of the present specification:

“As shown in Figure 2, and more particularly in Figure 3, *a pair of opposing knife blades 19* in general mirror relation to each other extend from knife unit 18 so as to intersect the paper web 16 while it lies against anvil roller 12, and there cut the web into desired lengths, shapes or contours.”

Support for this drawing amendment can also be found in paragraph 0033:

“The knives 19 are contained in *a knife holder 20*, as shown in figures 3 and 5...”

Figure 4 has also been amended to include reference numerals 19 and 20. Support for this drawing amendment can be found in paragraph 0019:

“Figure 4 is an enlarged view of *the surface of a knife blade holder*, showing the shape and relationship of the *cutting knives* in accordance with at least one embodiment of the apparatus.”

Figure 5 has also been amended to include reference numerals 19 and 20. Support for this drawing amendment can be found in paragraph 0033:

“The knives 19 are contained in a knife holder 20, as shown in figures 3 and 5, which is preferably made of a resilient elastomer.”

Figures 2 and 3 have been amended to include a new reference numeral 21 (denoting a retaining member) and a new reference numeral 22 (denoting a fastener). Support for this drawing amendment can be found in originally-filed claim 17:

*“[A] retention mechanism for retaining said knife holder on the periphery of said knife roller comprising **at least one retaining member and a fastener passing through said retaining member and into receptacles within said knife roller.**”*

Paragraph 0036 of the specification has also been amended to describe the manner in which retaining member 21 and fastener 22 retain knife holder 20 against knife roller 14 in amended Figures 2 and 3 of the present application.

In view of the substantial support in the specification as originally filed for the amendments to the drawings and the corresponding text in paragraph 0036, applicant submits that the amended drawings and amendment to the specification do not add any new matter to the disclosure, and should therefore be entered.

Rejection of Claims 1 and 17 for Anticipation by McMahon

In the January 30, 2006 non-final Office Action, claims 1-6, 10-11, 14-15 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by McMahon et al. U.S. Patent No. 4,640,165. Applicant submits that McMahon cannot anticipate claim 1, or its dependent claims 2-6, 10-11, 14-15, because McMahon does not

disclose or suggest each and every limitation recited in claim 1. Furthermore, McMahon cannot anticipate claim 17 because McMahon does not disclose or suggest each and every limitation recited in independent claim 17.

McMahon discloses a knife holder mounted upon the periphery of the knife roller in an apparatus for cutting lengths of webs such as paper. McMahon does not, however, disclose the use of a *shaped cutting knife* capable of being carried *within a shaped slot*. In this regard, McMahon contains no teaching or suggestion that his apparatus should, or even could, be equipped with shaped blades. As shown in McMahon's FIGs. 2, 3 and 7, McMahon's design is strictly limited to straight blades.

The present specification explains the deficiency in McMahon's disclosure regarding the use of shaped cutting blades:

"In another apparatus, as described in U.S. Patent No. 4,640,165 [McMahon], which is included by reference, the knife unit includes cutting knives mounted within a knife holder formed of an elastomeric material... However, *this apparatus can only accommodate straight, longitudinal cutting blades that cut a single clean edge. This apparatus is unable to cut a curved, contoured, or shaped edge.*"

(Paragraph 0005; emphasis added). Furthermore, in specifically referring to the cutting blades as being parallel to one another, McMahon teaches away from shaped blades, which seldom, if ever, extend in a parallel relationship:

"The assemblies A, B, C and D are mounted lengthwise of the knife roller 18, as more particularly shown in FIG. 2, and *parallel to the longitudinal axis 12 of the knife roller.*"

(see McMahon at column 4, lines 25-28; see also column 5, line 40 (“Slots 42 are substantially parallel...”)).

Absent any disclosure or suggestion of employing shaped cutting knives mounted in shaped slots, McMahon cannot anticipate, or render unpatentable for obviousness, claim 1, its dependent claims 2-6, 10-11, 14-15, or independent claim 17.

Rejection of Claims 1 and 11-15 for Anticipation by Bugnone

Each of pending claims 1 and 11-15 was rejected under 35 U.S.C. §102(b) as being anticipated by Bugnone U.S. Patent No. 4,248,117. Applicant submits that Bugnone cannot anticipate claim 1, or its dependent claims 11-15, because Bugnone does not disclose or suggest each and every limitation recited in claim 1.

Bugnone discloses the use of a die stamping device that includes a die stamp cylinder and a cooperating pressure cylinder. Bugnone nowhere discloses or suggests the use of a shaped cutting knife carried within a shaped cutting slot in a knife carrying unit formed of an elastomeric material. Moreover, Bugnone’s method of attachment of the knife blades is markedly different from that employed with applicant’s shaped cutting blades. In this regard, Bugnone states that the blades are secured in a unitary plastic sleeve surrounding the core. In the applicant’s pending claims, the shaped knife blades are defined as being secured in knife carrying units formed of an elastomeric material and mounted on the periphery of the knife roller. Bugnone nowhere discloses or suggests the use of separately attached knife carrying units.

Since Bugnone does not disclose or suggest shaped blades carried in shaped slots formed in a knife holder formed of an elastomeric material, or the mounting of such a knife carrying unit on the periphery of a knife roller, Bugnone cannot anticipate, or render unpatentable for obviousness, any of applicant's claims 1 and 11-15.

* * * * *

In view of the foregoing amendments and remarks, applicant submits that claims 1-6, 10-15 and 17 are allowable, and that the allowability of independent claims 1 and 17 warrants reconsideration of withdrawn dependent claims 7-9 and 16, as well as reconsideration of withdrawn independent claim 18 and its dependent claims 19 and 20, since those withdrawn claims incorporate the same limitations that are absent from McMahon and Bugnone. The Examiner is invited to telephone the applicant's undersigned attorney at 312-775-8123, if any unresolved matters remain.

Please charge any fees incurred in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Please substitute the three (3) sheets of formal drawings submitted herewith, which contain Figures 1-5, in place of the originally-filed sheets of formal drawings containing those drawing figures.